

Senator Dwyer moved a call of the Senate. Call sustained.

Absent—Senators Flanagan, Joseph, Randle and Russell. The sergeant-at-arms was dispatched for absent Senators.

(Senator Erath in the chair.)

On motion of Senator Wood, the rules were suspended, and Senate bill No. 558, "An act to provide for funding warrants, issued for services rendered prior to January 28, 1861, and also certificates of public debt, issued by the Auditorial Board, in lieu of any such Treasury warrants," was taken up and read second time, pending amendments recommended by the Finance Committee.

The amendments of the committee were adopted.

The bill, as amended, was then ordered engrossed.

Senator Ball, by leave, introduced a bill entitled "An act to amend sections three and four of an 'act to authorize and require the Governor to lease the State penitentiary, together with the labor of the convicts therein.'" Read first time and referred to Committee on Penitentiary.

On motion of Senator Westfall, Senator Camp was excused for one week from Monday next.

On motion of Senator Swift, the Senate adjourned until Monday at 10 o'clock A. M.

THIRTIETH DAY.

SENATE CHAMBER,
AUSTIN, February 15, 1875. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of Saturday read and adopted.

(Senator Ireland in the chair.)

Senator Wood introduced a bill entitled "An act to regulate evidence in suits concerning land." Read first time and referred to Judiciary Committee.

Senator Morris introduced a bill entitled "An act to provide for the election of Assessors and Collectors." Read first time and referred to Judiciary Committee.

Senator Ellis introduced a bill entitled "An act prescribing the compensation of the Financial Agent of the State,

or other agent employed by the Governor, to sell the bonds of the State." Read first time and referred to Finance Committee.

Senator Friend introduced a bill entitled "An act to confer civil and criminal jurisdiction on the mayors of incorporated towns." Read first time and referred to Judiciary Committee.

Senator Swift introduced a joint resolution, "Requiring the keeper of the capitol grounds to have all the doors of the Capitol locked at 9 o'clock P. M., each evening." Read first time and ordered to lie on the table.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills instruct me to report that they have carefully examined and compared Senate bill No. 620, entitled "An act supplemental to 'an act to encourage the erection of certain machinery by donations of land and otherwise,'" approved December 15, 1863; also, Senate bill No. 621, entitled "An act to reimburse the county of Lee for the expense incurred by said county in making out proper assessment rolls for the same;" also, Senate bill No. 654, entitled "An act to authorize the Governor to appoint an Assistant Attorney General, define his duties and fix his salary," and find the same correctly engrossed.

SETH SHEPARD, for Committee.

Senator Shepard introduced a bill entitled "An act to incorporate the Brenham College Association." Read first time and referred to Committee on Education.

Senator Shepard introduced a bill entitled "An act making an appropriation for purchasing the patent cotton worm of Royall, Whisenant & Co." Read first time and referred to Committee on Agriculture.

Senator Hobby introduced a joint resolution "Amending section 32 of article 12, of the constitution." Read first time and referred to Committee on Constitutional Amendments.

Senator Culberson introduced a bill entitled "An act to amend section 63 of 'an act prescribing the mode of proceeding in matters of probate.'" Read first time and referred to Committee on Judiciary.

On motion of Senator Wood, Senator Hobby was added to the Committee on Constitutional Amendments.

House joint resolution No. 60, "Instructing and requesting our Congressional delegation to urge upon Congress the speedy passage of a law for the indemnity or reimbursement for the losses incurred by the theft of horses, mules and cattle, by the Comanche, Kiowa, Cheyenne and other Indians in and near the Fort Sill Reservation, and on the Rio Grande frontier," was taken up, read first time and referred to Judiciary Committee.

On motion of Senator Wood, the President of the Senate was excused indefinitely, on account of sickness in his family.

On motion of Senator Westfall, Senator Ireland was immediately chosen the President *pro tem* of the Senate, until the return of the President.

On motion of Senator Friend, the rules were suspended, and Senate bill No. 663, "An act to incorporate the Mount Vernon High School," was taken up, read second time and ordered engrossed.

On motion of Senator Friend, the rules were suspended, bill read third time and passed.

On motion of Senator Allison, the rules were suspended, and Senate bill No. 537, "An act to compensate and reward deputy sheriff J. T. Morris, of Collin county, for capturing the stage robber, J. C. Reed," was taken up and read second time.

Senator Swift moved to strike out the words "one thousand" and insert "five hundred." Lost by the following vote:

YEAS—Senators Baker, Culberson, Craven, Ellis, Friend, Ledbetter, Parker, Russell and Swift—9.

NAYS—Senators Allison, Ball, Bradshaw, Burton, Dillard, Dwyer, Erath, Flanagan, Hobby, Ireland, Joseph, Morris, Stirman, Westfall and Wood—15.

Senator Culberson offered to amend by striking out the words "one thousand" and inserting the words "two hundred and fifty." Lost.

The question then recurring on the engrossment of the bill, it was ordered engrossed by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Burton, Craven, Dillard, Dwyer, Erath, Hobby, Ireland, Joseph, Morris, Parker, Stirman, Westfall and Wood—16.

NAYS—Senators Baker, Culberson, Ellis, Flanagan, Friend, Ledbetter, Russell and Swift—8.

On motion of Senator Ellis, the resolution regarding adjournment was taken up, and reconsidered by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Culberson, Craven, Dillard, Ellis, Friend, Hobby, Parker, Shepard, Stirman, Swift, Westfall and Wood—16.

NAYS—Senators Burton, Dwyer, Erath, Flanagan, Ireland, Joseph, Ledbetter, Morris, Randle and Russell—10.

Senator Hobby moved to strike out the word “fifteenth” and insert the word “twenty-second.”

Lost by the following vote :

YEAS—Senators Allison, Ball, Bradshaw, Culberson, Craven, Ellis, Hobby, Ireland, Ledbetter, Russell, Shepard, Westfall and Wood—13.

NAYS—Senators Baker, Burton, Dillard, Dwyer, Erath, Flanagan, Friend, Joseph, Morris, Parker, Randle, Stirman and Swift—13.

Senator Stirman moved to amend by inserting “fourth of March.”

Senator Friend offered a substitute for the amendment, to insert the “twenty-fourth of February.”

Senator Parker moved to lay the original resolution and amendment on the table.

Lost by the following vote :

YEAS—Senators Allison, Baker, Burton, Dillard, Erath, Flanagan, Joseph, Morris, Parker and Randle—10.

NAYS—Senators Ball, Bradshaw, Culberson, Craven, Dwyer, Ellis, Friend, Hobby, Ireland, Ledbetter, Shepard, Stirman, Swift, Westfall and Wood—15.

The question then recurring on the adoption of the substitute offered by Senator Friend, it was adopted by the following vote :

YEAS—Senators Allison, Ball, Bradshaw, Culberson, Craven, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Randle, Shepard, Stirman, Swift, Westfall and Wood—20.

NAYS—Senators Baker, Burton, Dillard, Flanagan and Parker—5.

Senator Hobby moved the previous question. Previous question seconded.

The question then recurring on the passage of the substitute offered by Senator Friend, it was passed by the following vote :

YEAS—Senators Baker, Bradshaw, Culberson, Craven,

Dwyer, Ellis, Friend, Hobby, Ireland, Ledbetter, Russell, Shepard, Westfall and Wood—14.

NAYS—Senators Allison, Ball, Burton, Dillard, Erath, Flanagan, Joseph, Morris, Parker, Randle, Stirman and Swift—12.

Senator Wood moved to reconsider the vote just taken, and to lay the motion to reconsider on the table. Carried.

The hour having arrived for the consideration of the special order, to-wit: Senate bill No. 31, "An act to amend the fourth section of 'an act better defining the marital rights of parties,'" passed March 13, 1848; it was taken up, pending amendments recommended by the Judiciary Committee.

The bill was read second time and the amendments of the committee were adopted.

Senator Culberson offered the following amendment:

In section one, line seventeen, after the word "husband," insert the words "with the consent of the husband." Adopted.

Senator Culberson offered the following amendment:

In section one, line twenty, after the word "estate," insert the words "with the consent of the husband." Adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Wood, the rules were further suspended, bill read third time and passed.

Senator Wood, by leave, introduced a bill entitled "An act to repeal article forty-one of the Code of Criminal Procedure." Read first time and referred to Judiciary Committee.

On motion of Senator Dwyer, the special orders for this hour, to-wit: Senate bill No. 518, "An act to provide for the sale of lands heretofore granted to the various counties for educational purposes;" and Senate bill No. 535, "An act to regulate the management of railroad companies," were postponed until 11 o'clock A. M. to-morrow.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 624, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Austin and Brenham;"

Senate bill No. 617, "An act to grant lands to certain counties for educational purposes," and find both of same correctly engrossed. SHEPARD, for Committee.

A message was received from the House announcing that the House refuses to recede from its amendment to Senate joint resolution No. 447, "Condemning the interference with and destruction of the State Government of Louisiana by the present Federal administration," in which the Senate refused to concur, and asks a committee of conference. The House appointed the following members on that committee, to-wit: Representatives McLeary, Reeves, Stephens, Jackman and Mathews.

Also, that the House refused to recede from its amendment to Senate Bill No. 72, "An act to amend an act, entitled, 'an act to authorize the cancellation of patents in certain cases,' approved February 3, 1854," in which the Senate refused to concur, and asks a committee of conference. The House appointed the following members on that committee, to-wit: Representatives Storey, Harrison, and Stewart of Montgomery.

On motion of Senator Dwyer, the rules were suspended, and Senate bill No. 634, "An act to amend sections 1, 14, 26, 44 and 45 of an act, entitled, 'an act to encourage stock raisers, and for the protection of stock raisers,' approved March 23, 1874," was taken up and read second time.

Senator Dwyer moved to amend, by striking out the second section. Adopted.

Senator Wood offered the following amendment:

Amend section four by striking out of said section the words "Section 44 of said act shall hereafter read as follows." Adopted.

Senator Ellis offered the following amendment:

Amend the title, so as to read, "An act amendatory of and supplemental to 'an act to encourage stock raising and for the protection of stock raisers,' approved March 23, 1874." Adopted.

Senator Wood offered the following as an additional section, which was adopted:

Section — "That sheep and goats exported from this State into Mexico, shall only cross the Rio Grande at such points as a custom house of the United States may be situated, and the inspector shall be allowed to charge a fee of \$5 00 per thousand for inspection of the same."

The bill, as amended, was then ordered engrossed.

On motion of Senator Dwyer, the rules were further suspended, bill read third time and passed.

On motion of Senator Shepard, Senate bill No. 624, "An act to establish, organize and define the powers of the Criminal District Court in and for the cities of Austin and Brenham," was taken up, read third time and passed, by the following vote :

YEAS—Senators Baker, Bradshaw, Culberson, Craven, Ellis, Erath, Hobby, Ireland, Joseph, Ledbetter, Russell, Shepard and Westfall—13.

NAYS—Senators Ball, Burton, Dillard, Dwyer, Flanagan, Friend, Morris, Parker, Randle, Stirman, Swift and Wood—12.

The President *pro tem.* announced that he had appointed as a committee on conference, on the disagreement between the two Houses, on Senate joint resolution No. 447, "Condemning the interference and destruction of the State government of Louisiana, by the present Federal administration," Senators Wood, Dillard and Ellis; and that he had also appointed as a committee of conference on the disagreement between the two Houses on Senate bill No. 72, "An act to amend an act entitled 'an act to authorize the cancellation of patents in certain cases,'" approved February 3, 1854; Senators Erath, Ball and Dwyer.

On motion of Senator Westfall, the message of the Governor received some days since, was taken up and read.

The message was as follows :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, February 13th, 1875. }

Hon. R. B. Hubbard, President of the Senate :

I have the honor to hand you herewith the captions of all bills and joint resolutions passed by the Legislature, and approved by me since February 3d, 1875.

Very respectfully,

RICHARD COKE.

House joint resolution No. 53, "Joint resolution authorizing the Speaker of the House of Representatives and the President of the Senate to employ attorneys to defend a certain suit pending in the District Court of Travis

county, and make an appropriation to defray the expenses thereof;" approved February 5th, 1875.

Lost by the following vote :

Senate bill No. 524, "An act to amend section eight of an act entitled 'an act to incorporate the Gulf, Colorado and Santa Fe Railway Company, and to grant lands in aid of the construction of the same,'" passed May 28, 1873; approved February 5th, 1875.

Senate bill No. 544, "An act making an appropriation for the purpose of paying an oculist for treating inmates of the institute for the blind;" approved February 6th, 1875.

Senate bill No. 571, "An act amendatory of 'an act to incorporate the Galveston Agricultural, Horticultural and Industrial Association;'" approved February 6th, 1875.

House bill No. 715, "An act to amend 'an act to adopt and establish a Penal Code for the State of Texas;'" approved August 28th, 1856; approved February 6th, 1875.

House bill No. 585, "An act to amend an act entitled an act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of 'an act prescribing the times of holding the district courts in the several Judicial Districts in the State;'" approved August 10th, 1870; approved February 6th, 1871; approved May 31st, 1873; approved February 6th, 1875.

House bill No. 536, "An act supplementary and amendatory of 'an act to incorporate the Western Narrow Gauge Railway Company,'" approved August 4th, 1870, and of the several acts supplementary and amendatory thereto; approved February 6th, 1875.

House bill No. 106, "An act to incorporate the South Western University;" approved February 6th, 1875.

Senate bill No. 569, "An act prescribing the times of holding the district courts in the Sixth Judicial District of the State, and repealing all laws in relation thereto;" approved February 6th, 1875.

Senate bill No. 581, "An act for the relief of R. B. Shaw;" approved February 8th, 1875.

House bill No. 729, "An act to prohibit the sale or giving away of intoxicating liquors within five miles of certain places therein named;" approved February 8th, 1875.

Senate bill No. 546, "An act regulating the times of holding the district courts in the Twenty-fourth Judicial District;" approved February 8th, 1875.

House bill No. 537, "An act making an appropriation

to complete the buildings and enclosures of the Agricultural and Mechanical College of Texas;" approved February 8th, 1875.

Senate bill No. 293, "An act to authorize the Commissioner of the General Land Office to issue patents to the following leagues of land located in San Augustine county, in this State, between the 13th day of November and the first day of December, 1875, and to validate the same;" approved February 8th, 1875.

House joint resolution No. 57, "Joint resolution instructing and requesting our Congressional delegation to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the army and navy of the United States in the late war with Mexico;" approved February 10, 1875.

Senate bill No. 491, "An act to reorganize the Fourth and Fifth Judicial Districts of the State of Texas, and provide for the time of holding the courts therein;" approved February 10th, 1875.

House bill No. 546, "An act to authorize the county of Karnes to build bridges across the San Antonio and Cibolo rivers;" approved February 10th, 1875.

House bill No. 623, "An act to attach the county of Crockett to the county of Kinney for judicial purposes;" approved February 10th, 1875.

Senate bill No. 525½, "An act to provide for the proper auditing of the accounts of the public printer in certain cases;" approved February 10th, 1875.

House bill No. 544, "An act to establish a Criminal Court in and for the cities of Paris, Clarksville and Bonham, and for the counties of Lamar, Red River and Fannin, and defining the duties and powers thereof." Became a law without the Governor's approval, February 11th, 1875.

On motion of Senator Swift, the joint resolution offered by him this morning, "requiring the keeper of the Capitol to lock the doors of the Capitol after nine o'clock P. M.," was taken up and read second time.

Senator Friend offered the following amendment:

Strike out "nine," and insert "ten, and should there be any necessity for the use of the building for any public meetings, then the doors shall be kept open until said meeting is over." Adopted.

The joint resolution, as amended, was then ordered engrossed.

On motion of Senator Swift, the rules were further suspended, the joint resolution read third time and passed.

On motion of Senator Dillard, the Senate adjourned until 10 o'clock A. M., to-morrow.

THIRTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, February 16, 1875. }

Senate met pursuant to adjournment. Roll called ; quorum present. Prayer by the chaplain.

On motion of Senator Culberson, the reading of the journal of yesterday was dispensed with.

Senator Swift, Chairman Committee on Claims and Accounts, submitted the following report :

Hon. John Ireland, President of the Senate :

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 66, "An act for the relief of Eli Kirk," have carefully considered the same, and are of the opinion that he, the said Kirk, has long since received full compensation for every article purchased by him to furnish the capitol building, and the said claim has no foundation, either in law or equity. They, therefore, recommend that said bill do not pass. W. H. SWIFT, Chairman.

Senator Friend, Chairman Committee on Roads, Bridges and Ferries, submitted the following reports :

Hon. John Ireland, President of the Senate :

Your Committee on Roads, Bridges and Ferries ask leave to report back to your honorable body, Senate bill No. 563, "An act granting a charter to John L. Miller, to create, keep and run a ferry-boat, at Montopolis Crossing, on the Colorado river, in Travis county," and recommend that it do not pass. W. R. FRIEND, Chairman.

Hon. John Ireland, President of the Senate :

Your Committee on Roads, Bridges and Ferries ask leave to report back to your honorable body, Senate bill No. 673, "An act to authorize Ferdinand Dohme to estab-